



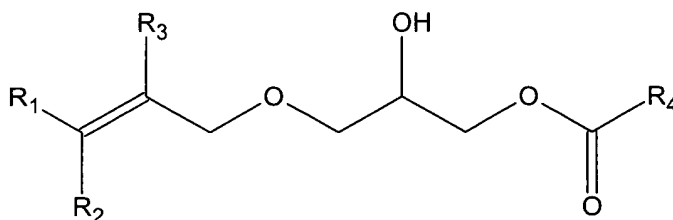
RESPONSE TO RESTRICTION REQUIREMENT	Application #	10/539,639
	Confirmation #	8632
	Filing Date	June 16, 2005
	First Inventor	ROQUES
	Art Unit	1626
	Examiner	Kosack, Joseph R.
	Docket #	P08986US00/BAS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

S I R:

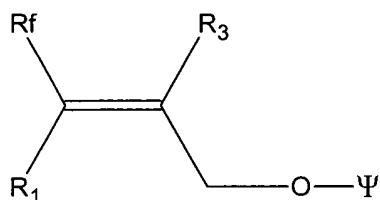
In response to the Election/Restriction Requirement mailed July 26, 2006,
Applicants submit the following Response.

In the Election/Restriction Requirement, it was alleged that the Application contains inventions or groups of inventions which are not so linked to form a single general inventive concept under PCT Rule 13.1. Further, it was alleged that the claims lacked unity of the invention under PCT Rules 13.1 and 13.2, alleging that the compounds defined in the claims lacked a significant structural element qualifying as a special technical feature that defines a contribution over the art. To support this assertion, the compounds claimed were alleged to contain a compound which was not seen to contribute over the prior art compound of U.S. Patent No. 2,604,489, which discloses compounds of the formula



Contrary to the Examiner's assertion, the compounds recited in claim 25 of

Formula (I)

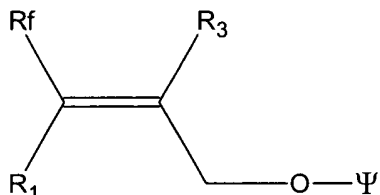


are novel and non-obvious, thereby establishing a special technical feature over the prior art, which links all claims in the present application, and, thereby, establishes unity of invention in accordance with PCT Rules 13.1 and 13.2, as implemented in U.S. claim practice as 37 C.F.R. § 1.499.

The claimed compounds of Formula (I) are distinguishable from the compounds of U.S. Patent No. 2,604,489 in that the present compounds of Formula (I) include R_f, which is a radical carrying a perfluoromethylene group, which is in no way taught or suggested by the compounds of U.S. Patent No. 2,604,489. Further, the compounds of U.S. Patent No. 2,604,489 fail to teach or suggest a compound comprising a glycerol ester having a pK_a value in water of at most 8.

Finally, it is respectfully submitted that the Examiner is mistaken by alleging the claimed compounds of

Formula (I)



encompasses a nitrile or acetate. Nowhere in the present specification does Ψ encompass nitrile. Ψ is defined as being an electron-withdrawing group, such that

Ψ -OH is an acid with a pKa value in water of at most 8. In a preferred embodiment, Ψ is an acyl group.

Based on the foregoing, Applicants respectfully submit that upon a complete and thorough review of U.S. Patent No. 2,604,489 and the present specification, the Examiner will find that the compound of Formula (I) is novel and, thus, represents a special technical feature defining over the prior art which links all claims in the present application, where claims 25-35 correspond to a novel compound and claims 36-48 are drawn to a method for preparing the compounds of Formula (I). Therefore, in accordance with PCT Rule 13.1, all claims should be examined in the present application as being drawn to a novel class of compounds and to a method of preparing the novel compounds.


Finally, notwithstanding the foregoing, and in order to fulfill the requirements of the Election Requirement, Applicants respectfully elect claims 25-35 with traverse, where R_f is a radical carrying a perfluoromethylene group, which provides the link to the remainder of the molecule;

R_1 and R_3 represent hydrogen; and

Ψ is an electron-withdrawing group such that Ψ -OH is an acid with a pKa in water of at most 8.

Respectfully submitted,

Date: September 1, 2006

 43259
for
By: B. Aaron Schulman
Registration No.: 31,877

STITES & HARBISON PLC ♦ 1199 North Fairfax St. ♦ Suite 900 ♦ Alexandria, VA 22314
TEL: 703-739-4900 ♦ FAX: 703-739-9577 ♦ CUSTOMER NO. 000881